

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion Not Established By Statute
DOI-BLM-WY-R05002016-0042-CX**

July 14, 2016

Grazing Permit Renewal

***Applicant/Address:** JSR Partners, LP*

***Allotments:** Upper Ellis Ranch*

Lander Field Office
1335 W Main St.
Lander, Wyoming 82520
307-332-8400



**CATEGORICAL EXCLUSION DOCUMENTATION FORMAT WHEN USING
CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE**

A. Background

BLM Office: Lander Field Office, LLWYR05000

Lease/Serial/Case File No: 4903823

Proposed Action Title/Type: Grazing Permit Renewal

The Proposed Action is the renewal of one livestock grazing permit for one allotment in the Sweetwater River area west of Sweetwater Station. The allotment is located within the National Trails Management Corridor (NTMC), a unit of the National Conservation Lands.

Location of Proposed Action: T29N R96W Sections 17, 18, 19, 20, and 30; T29N R97W Section 13, 23, 24, 25, and 26

Description of Proposed Action: The BLM proposes to issue one livestock grazing permit for the Upper Ellis Ranch grazing allotment. The allotment was determined not to meet the Standards for Healthy Rangeland, due to factors that do not include existing livestock grazing. See the 2014 Upper Sweetwater Landscape Land Health Assessment and the Determination of Causal Factors for Failure to Meet the Standards for Healthy Rangelands stored in the Documents tab of this project site:

<https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=62752&dctmId=0b0003e880b9d952>

The allotment is in greater sage-grouse priority habitat and in the National Trails Management Corridor.

B. Land Use Plan (LUP) Conformance

The 2014 Lander Record of Decision and Approved Resource Management Plan (RMP) identified the allotment as open to livestock grazing. It does not meet the Wyoming Standards for Healthy Rangeland as required by the RMP (see Decisions 6050 and 6051) but fails them for reasons other than existing livestock grazing. Well-managed livestock grazing is allowed in priority greater sage-grouse habitat and in the National Trails Management Corridor.

The proposed action is in conformance with the applicable LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions:

- *Goal LR: 10: Maintain or enhance rangeland health and livestock grazing opportunities.*
- *Objective LR: 10.8: Support livestock grazing AUM levels consistent with multiple use and the ability of BLM-administered lands to provide adequate habitat and forage.*
- *MA 6050: Livestock grazing in the planning area is managed as follows:*
 - ❖ *2,323,152 acres are open to grazing*

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 46 CFR 46.215 and the National Environmental Policy Act (NEPA) Handbook H-1790 Appendix 4(D)(11). The BLM may issue a livestock grazing permit with a categorical exclusion (CX) when the new grazing permit is consistent with the use specified in the previous permit with (i) the same kind of livestock (ii) the active use previously authorized is not exceeded, and (iii) grazing does not occur more than 14 days earlier or later than as specified on the previous permit/lease, and the Authorized Officer has determined that the allotment is (i) meeting land health standards or (ii) not meeting land health standards due to factors that do not include existing livestock grazing. The livestock kind, numbers, season of use, and AUMs on the new permit will be identical to the existing permit.

A categorical exclusion is appropriate in this situation because there are no extraordinary circumstances (EC) potentially having effects that may significantly affect the environment (see the EC documentation in the Documents tab). The proposed action has been reviewed and none of the extraordinary circumstances described in 43 CFR 46.210 apply.

D: Approval and Contact Information

	<u>7/15/16</u>
Richard Vander Voet	Date

Contact Person

Judi Mott

Lander Field Office
1335 Main Street
Lander, Wyoming 82520
307- 332-8400

Extraordinary Circumstances

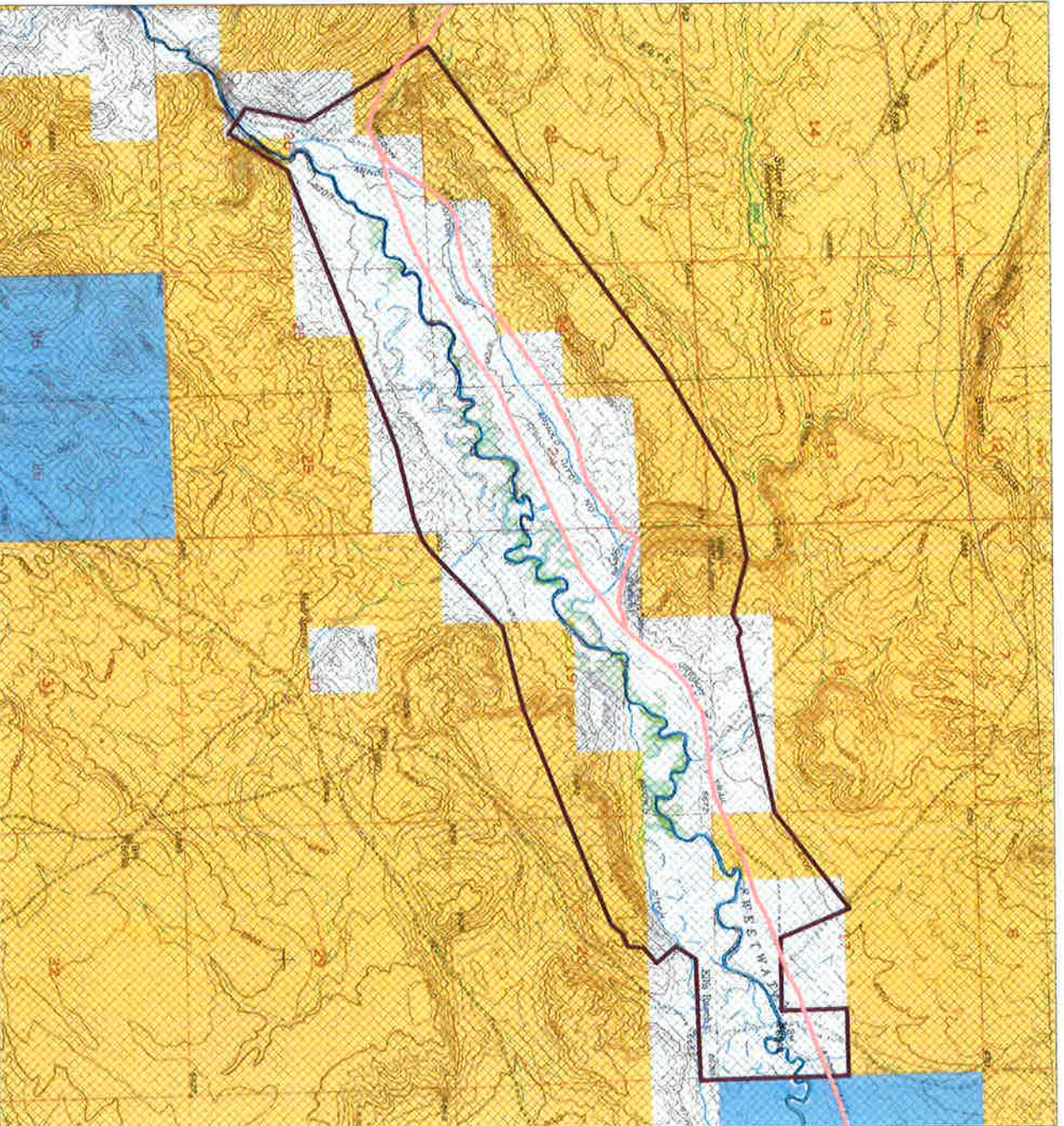
A CX may be used only following a determination that the extraordinary circumstances identified in Appendix 5 of the NEPA Handbook 1-1710 (516 DM 2, Appendix 2) do not apply to the proposed action. Additional information on extraordinary circumstances is provided in Section 7.3 of the NEPA Handbook. The following information follows the list of extraordinary circumstances identified in the Handbook:

1. The decision does not impact public health or safety. The Land Health Assessments did not identify any known water quality issues (Standard 5).
2. The allotment has no natural resources or unique geographic characteristics such as historical or cultural resources. As mentioned in part A, the allotment is located within the National Trails Management Corridor. Well-managed livestock grazing is an authorized use in the NTMC; see RMP Decision 7009. There are no parks or refuge lands near the allotment. The Upper Ellis Ranch Allotment borders the Sweetwater Canyon Wilderness Study Area to the west. Segments of the Sweetwater River systems proposed for inclusion in the National Wild and Scenic River System flow through the Sweetwater Canyon. There are no Wilderness, Wild and Scenic Rivers, national natural landmarks, sole or principal drinking water aquifers, prime farmlands, mapped floodplains or other ecologically significant areas near the allotment. Wetlands are located in or near to the allotments and the allotment may be used by migratory birds, but the BLM did not identify any significant impacts that will be caused by issuing the grazing permit.
3. There are no highly controversial environmental effects or unresolved conflicts concerning alternative uses of the area. While there are members of the public who oppose some or all livestock grazing uses of public lands, the NEPA Handbook at page 73 makes clear that the controversy must be about the nature of the effects, not expressions of opposition to the proposed use. "Substantial dispute within the scientific community about the effects of the proposed action would indicate that the effects are likely to be controversial."
4. The permit does not have highly controversial environmental effects or involve unique or unknown environmental risks. Identical actual use under the past permit was determined to be following the Guidelines for Livestock Grazing Management and is not a causal factor in the allotment failing the Standards for Healthy Rangeland.
5. There is no potential for the issuance of this permit to set a precedent for future actions with potentially significant environmental effects because the use of the CX is strictly limited to permits that authorize no increase in numbers or season of use for lands either meeting the Standards for Healthy Rangelands or not meeting land health standards due to factors that do not include existing livestock grazing.
6. The issuance of this permit is not directly related to other actions. Independent of the issuance of this permit, the BLM is in the process of analyzing the terms and conditions

for livestock grazing in the lands surrounding the Upper Ellis Ranch Allotment. The conditions of many of the other allotments in the area are described in the Upper Sweetwater Landscape Land Health Assessment and the Granite Mountain Open Land Health Assessment. Some of these other allotments are not meeting the Standards for Healthy Rangelands, but the BLM has not made a determination as to whether current livestock grazing is the causal factor. However, the allotment covered by the permit that is addressed by this CX constitutes less than one percent of the land analyzed in the Upper Sweetwater Landscape Land Health Assessment.

7. The permit will have no significant impacts on National Register of Historic Places listed or eligible properties; see attached cultural clearance.
8. The permit will have no significant impacts on listed or candidate species under the Endangered Species Act, or on designated Critical Habitat for these species; see attached wildlife clearance.
9. The permit does not violate laws or environmental protections.
10. Since the allotment is in a rural location distinct from any population centers, issuing a new livestock grazing permit will not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
11. There are no known ceremonial or Indian sacred sites in or near the allotment.
12. The Determination of Causal Factors found that the current livestock use in the allotment is not the cause for failing to meet the Standards for Healthy Rangelands. The Wyoming Guidelines for Livestock Grazing Management are being followed, therefore the BLM has determined that continuing currently permitted use in the allotment would not introduce or expand invasive species or noxious weeds.

Upper Ellis Ranch Allotment



Allotment Name

UPPER ELLIS RANCH

National Historic Trail

National Trails Management Corridor

Surface Ownership

Bureau of Land Management

Private

State

N



No warranty is made by the
Bureau of Land Management (BLM)
for use of the data for purposes
not intended by BLM.

**DOCUMENTATION OF CATEGORICAL EXCLUSION PROCESS FOR GRAZING
PERMIT/LEASE RENEWALS –**

As Described in IM 2015-121

Criteria listed in the FLPMA Section 402(h)(1) to apply the CX for issuing livestock grazing permits applied to the Upper Ellis Ranch Allotment		
Criteria	Criteria met?	
	Yes	No
The permit or lease continues the current grazing management of the allotment(s).	X	
A land health assessment and evaluation have been completed in accordance with Manual Handbook H-4180-1, AND		
A. The public land subject to the evaluation is meeting the land Health standards, or...	NA*	
B. The public land subject to the evaluation is not meeting the standards due to factors other than current livestock grazing.	X	

*Not applicable.

Categorical Exclusion Review Record

Resource	Yes/No*	Assigned Specialist	initials	Date
Cultural Resources	NO	Krystal Hazen	KH	7/11/16
Native American Religious Concerns	NO	Krystal Hazen	KH	7/11/16
Threatened, Endangered, or Candidate Species	NO	Tim Vosburgh	JV	7/11/16

*Extraordinary Circumstances apply.

Environmental Coordinator



Date: 7-13-16



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wind River/Bighorn Basin District
Lander Field Office
1335 Main Street
Lander, Wyoming 82520

Certified Mail No. 7015 1730 0000 3770 7448
Return Receipt Requested

WY050 4160

July 15, 2016

NOTICE OF THE FIELD MANAGERS PROPOSED DECISION DOI-BLM-WY-R05002016-0042-CX

My proposed decision, pursuant to 43 Code of Federal Regulations 4160.1(a) and in accordance with 43 CFR 4120.3 is to issue the permit in Case File 4903823 for the Upper Ellis Ranch Allotment 01927 for a ten year livestock grazing authorization. The Bureau of Land Management has authority to renew this grazing permit consistent with the provisions of the Taylor Grazing Act, Federal Land Policy and Management Act, the Lander Record of Decision and Approved Resource Management Plan (2014), (RMP) and the grazing regulations in 43 CFR Subpart 4100. The proposed decision is based on the Upper Ellis Ranch Allotment Grazing Permit Renewal Categorical Exclusion (CX) which was prepared by an interdisciplinary team which evaluated whether a CX was appropriate and whether Extraordinary Circumstances existed which would preclude the use of a CX.

The proposed decision is as follows:

The renewed grazing permit for the Upper Ellis Ranch Grazing Allotment will have identical livestock kind, numbers, season of use and AUMs to the existing grazing permit.

Table: Grazing Schedule for the renewed permit on the Upper Ellis Ranch grazing allotment.

Permittee Name Case File Number	Allotment	Number and Type of Animal	Grazing Season	Animal Unit Months (AUMs)
JSR Partners LP 4903823	Upper Ellis Ranch	341 Cattle	9/15 to 12/31	157

Updated terms and conditions will be listed on the grazing permit. These terms and conditions are:

1. **Livestock supplements:** Salt and/or other mineral supplements shall be placed at least one-half mile from water sources or in such a manner as to promote even livestock distribution in the allotment or pasture.
2. **Administrative Access:** The permittee/lessee shall provide reasonable administrative access across private and leased lands to the BLM and its agents for the orderly management and protection of BLM administered lands.

3. Rangeland Health Standards and Guidelines: The terms and conditions of this permit may be modified if additional information indicates that revision is necessary to conform to 43 CFR 4180.
4. Predator Control: The permittee/lessee and/or his/her employees shall not use or place poison or M-44 devices for prairie dog or predator control on BLM-administered public lands. Predation control actions will be carried out by the Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS), or the Wyoming Game and Fish Department, or whoever has the responsibility for the offending species
5. Range Improvements: Failure to maintain range improvements to BLM standards in accordance with signed cooperative agreements and/or range improvement permits may result in the suspension of the annual grazing authorization, cancellation of the cooperative agreement or range improvement permit, and/or the eventual cancellation of this permit.
6. Drought Management: During drought years receiving below normal precipitation and forage production, changes to the normal grazing authorization may be necessary. Although not all inclusive, standard operating procedures may include reduced livestock numbers, delayed turn-in dates, early turn-in and removal dates and potential pasture/allotment closures
7. Cultural Resources: As a condition of this authorization, the holder of this grazing permit/lease shall comply with the regulations identified in 43 CFR 7 and 43 CFR 10 which are on file at the BLM office. These regulations provide for the protection of archaeological resources, historical resources, paleontological resources, human remains, funerary items, sacred objects, and objects of cultural patrimony.
8. Cultural and Paleontological Resources: Any cultural and/or paleontological resource (historic, prehistoric, or fossil) discovered by the holder, or any person working on the holder's behalf on public or Federal land, shall be immediately reported to the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values.
9. Cultural Resources, Site Avoidance (1): In order to reduce the potential for cattle bunching in areas where cultural resources are present, mineral licks and salt blocks are not to be placed in the following areas:

T29N R96W
Section 19 N1/2
Section 20 NESE

Violation of this stipulation may result in the holder being subject to the penalties and actions contained in the 43CFR7 Regulations, which are on file at all BLM offices.

10. Cultural Resources, Site Avoidance (2): Due to the presence of significant linear cultural resources (National Historic Trails, regional Historic Trails, etc.), mineral supplements

blocks are not to be placed within 0.5 miles of roads throughout the following legal locations, unless authorized on a case-by-case basis:

T29N R96W

Section 17 S1/2

Section 18 S1/2SESE

Section 19 N1/2

T29N R97W

Section 23 S1/2S1/2SE

Section 24 SW; S1/2NE

Section 25 NWNWNWNW

Section 26 N1/2N1/2

This stipulation is in accordance with the Lander Field Office 2014 Record of Decision and Approved Resource Management Plan (RMP) Decision 5021. Violation of this stipulation may result in the holder being subject to the penalties and actions contained in the 43CFR7 Regulations, which are on file at all BLM offices.

RATIONALE

The proposed decision to issue the permit is consistent with present and projected future uses in the subject area and is environmentally acceptable as it does not result in undue or unnecessary environmental degradation. Since this grazing management has resulted in range conditions meeting the Standards for Healthy Rangeland, it is consistent with the 2014 Lander Record of Decision and Approved Resource Management (RMP).

AUTHORITY

The Bureau of Land Management has authority to renew this grazing permit consistent with the provisions of the Taylor Grazing Act, Public Rangelands Improvement Act, Federal Land Policy and Management Act, and the Lander Resource Management Plan. An approved grazing permit is required to authorize grazing use on BLM administered lands as required by 43 CFR 4140.1 (b)(i)

RIGHT TO APPEAL OR PROTEST

Any applicant, permittee, lessee or other interested publics may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Lander Field Manager, Bureau of Land Management, 1335 Main, Lander, Wyoming 82520, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160 .4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days

after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The appellant must serve a copy of the appeal by certified mail on the Office of the Solicitor, Rocky Mountain Region, 755 Parfet Street Suite 151, Lakewood, Colorado, 80215 and person(s) named (43 CFR 4.421(h)) in the Copies sent to: section of this decision.

The appeal shall clearly and concisely state the reasons why the appellant thinks the final decision is in error, and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.473.

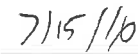
Any person named in the decision that receives a copy of a petition for a stay and/or an appeal see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

For additional information concerning this Finding, contact Judi Mott, Rangeland Management Specialist or Curtis Bryan, Supervisory Rangeland Management Specialist at 307-332-8400.

Sincerely,



Richard Vander Voet
Field Manager



Date

Wyoming Rangeland Standards and Guidelines
Determination of Causal Factors in Failures to Meet the Standards for Healthy Rangelands

ALLOTMENT: Upper Ellis Ranch No.01927 FIELD OFFICE: Lander
PERMITTEES/ LESSEES: JSR Partners Limited Partnership

Summary of Conformance Review

The number of acres cited under each Standard is approximate. Due to the small amount of BLM managed acres in the allotment, one sample area was used to evaluate the entire allotment. For more information about qualitative and quantitative data that lead to resource conclusions in this document see the Upper Sweetwater Landscape Land Health Assessment, available on the web at:

<https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=77900>

Standard #1

Within the potential of the ecological site (soil type, landform, climate, and geology), soils are stable and allow for water infiltration to provide for optimal plant growth and minimal surface runoff.

Resource conditions in the allotment meet the standard? **YES: 0 acres**
NO: 715 acres

Rationale: The Upper Sweetwater Landscape Land Health Assessment describes all of the approximately 715 acres of BLM managed uplands that occur in the allotment. Data and observations show that ground cover is adequate however there are water flow patterns and active pedestals and terracettes in plant interspaces. Soil site stability is decreased to 2.16 from the 4+ that is expected. Soil deposition can be seen around individual sagebrush plants.

Standard #2

Riparian and wetland vegetation have structural, age and species diversity characteristics of the stage of channel succession and are resilient and capable of recovering from natural and human disturbance in order to provide forage and cover, capture sediment, dissipate energy, and provide for ground water recharge.

Resource conditions in the allotment meet the standard? **N/A**

Rationale: There are no riparian areas on the BLM managed public lands within this allotment.

Standard #3

Upland vegetation on each ecological site consists of plant communities appropriate to the site which are resilient, diverse, and able to recover from natural and human disturbance

Resource conditions in the allotment meet the standard? **YES: 715 acres**
NO: 0 acres

Rationale: Data and observations in this allotment show that upland plant communities are dominated by sagebrush, needle-and-thread grass and indian ricegrass with western wheatgrass. According to the Natural Resources Conservation Service Ecological Site Guide, this is a healthy plant community for the site.

Standard #4

Rangelands are capable of sustaining viable populations and a diversity of native plant and animal species that are appropriate to the habitat. Habitats that support or could support threatened species, endangered species, species of special concern, or sensitive species will be maintained or enhanced.

Resource conditions in the allotments meet the standard? **YES: 715 acres**
NO: 0 acres

Rationale: The uplands in this allotment meet the Upland Vegetation Standard. Where upland vegetation meets the Standards, the wildlife habitat Standard also meets.

The primary management objectives for wildlife are to provide habitat adequate to support a natural diversity of species and to fulfill their life-cycle requirements, maintain habitat connectivity and barrier-free movement, and manage impacts to populations and their habitats resulting from BLM authorized activities. The suitability of upland vegetation to provide quality wildlife habitat is assessed in Standard #4 and is often dependent on whether or not plant communities are resilient, diverse and able to recover from natural and human disturbance. Within this allotment, plant composition and diversity sufficient to support healthy wildlife populations.

Standard #5

Water quality meets state standards?

Resource conditions in the allotments meet the standard? **N/A**

Rationale: There is no live water on the BLM lands within this allotment.

Standard #6

Air quality meets state standards.

Resource conditions in the allotment meet the standard? **YES**

Rationale: No Known violations of state air quality standards exist.

Factors related to nonconformance with standards

The Upper Ellis Ranch Allotment is failing the Standards for Healthy Rangeland on 715 acres which are located in the north and south of the allotment, adjacent to approximately 1,400 acres of private land in the center of the allotment along the Sweetwater River. These 715 acres fail Standard 1, Soils.

Historic grazing practices have been identified as the primary reason for failure of Standard #1 in this Allotment. Livestock were concentrated in this area in the past, especially during the mid-1800s. The Oregon, Mormon, and California Trail, Pony Express (OMCPE) passes directly through this small allotment, and is situated adjacent to no more than 1/2 mile from all BLM uplands within the allotment. An estimated 500,000 emigrants and 2,500,000 animals used the trail between 1841 and 1869. Details from emigrants along the trail paint a picture of devastated landscape of bare ground with little water and forage.

Impacts from the concentration of trampling and grazing that occurred along the trail are long-lasting with the worst of the impacts extending as far as five miles on either side of the trail. These impacts depend on the soil types on which they occur and include an increase in sagebrush and grasses such as western wheatgrass that are resistant to grazing and trampling. The sagebrush/rhizomatous wheatgrass community that dominates this site were likely established as a result of the extreme conditions that existed during the years of heavy trail use. Once these plant communities are established, it is difficult to restore the historic plant community through proper grazing management alone.

Additionally, there has likely been growing-season and hot-season grazing in the area off and on since the mid-1800s as well as overstocking which would have continued through the 1960s. However, the current season of use is restricted to fall and winter and livestock stocking rates have been calculated to be in balance with the current plant community, allowing also for soil protection and wildlife needs. There is adequate plant litter on the site regardless of the low productivity of the current plant community, indicating that utilization is not excessive.

With these facts in mind, BLM concludes that Guidelines 1, 7 and 8 for Livestock Grazing Management, which are necessary to make progress toward meeting the Standards, are already in place:

Guideline 1:

“Timing, duration, and levels of authorized grazing will ensure that adequate amounts of vegetative ground cover, including standing plant material and litter, remain after authorized use to support infiltration, maintain soil moisture storage, stabilize soils, allow the release of sufficient water to maintain system function, and to maintain subsurface soil conditions that support permeability rates and other processes appropriate to the site.”

Guideline 7:

“Grazing management practices will incorporate the kinds and amounts of use that will restore, maintain, or enhance habitats to assist in the recovery of Federal threatened and endangered species or the conservation of federally-listed species of concern and other State-designated special status species. Grazing management practices will maintain existing habitat or facilitate vegetation change toward desired habitats. Grazing management will consider threatened and endangered species and their habitats.

From Guideline number 8:

“Grazing management practices and range improvements will be designed to maintain or promote the physical and biological conditions necessary to sustain native animal populations and plant communities. This will involve emphasizing native plant species in the support of ecological function...”

Therefore it is concluded that current management is not causing the failures of the Standards for Healthy Rangelands.

Part 4- Identification of specific actions including permit/lease terms and conditions

No changes in permit terms and conditions are recommended at this time.

Reviewed by:

Amanda Small
Rangeland Management Specialist

6/23/16
Date

Jim Voshung
Wildlife Biologist

6/8/2016
Date

Curtis Bump
Supervisory Rangeland Management Specialist

6/22/16
Date

Conformance Determination

Based on the conformance review summary for the Upper Ellis Ranch Allotment #01927, I have determined that current livestock grazing management is not a causal factor for failing to meet Wyoming Standard 1, for healthy rangeland on public land administered by the BLM.

Richard Vandy Vast
Field Manager

7/15/16
Date

DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
LANDER FIELD OFFICE

8110
050-2016-058

TO: Range Specialist

FROM: Krystal Hazen McCreary, Archaeologist

DATE: 6/23/2016

SUBJECT: Results of a Class I Cultural Resource Inventory for the **Upper Ellis Ranch Allotment #4903823**

In June of 2016, the **Bureau of Land Management Lander Office** began to review the grazing permit renewal for the **Upper Ellis Ranch Allotment #4903823**. Although significant cultural resources are present, there are no changes that would directly or indirectly impact significant cultural resources. The BLM has not seen any evidence, through monitoring activities, that livestock grazing at present levels adversely impacts cultural resources in this allotment. The Proposed Action does not include new range improvements or changes in grazing management strategies that could create new impacts or adverse effects to historic properties within the allotment. The season of use, number of livestock and type of livestock remain the same as in previous years and there are no changes authorized by the renewal of this permit. All Eligible cultural resources and sites of Native American religious or cultural concern will be given an avoidance stipulation for mineral licks in order to ensure the preservation of significant cultural resources present in this allotment. No adverse effects to cultural resources are expected to occur as a result of continued livestock grazing at existing management levels.

All new range improvement projects, including fences, water facilities, and vegetation treatments, are subject to a Class III inventory to identify historic properties within the project area and assess project-specific effects on these properties. Where adverse effects to eligible properties cannot be avoided, consultations under Section 106 of the National Historic Preservation Act are conducted with the Wyoming State Historic Preservation Officer, Native American Tribes that claim cultural affiliation to the area, and other interested parties to develop appropriate mitigation measures.

Legal Description:

T29N R96W

Sections 17, 18, 19, 20, 30

T29N R97W

Sections 13, 23, 24, 25, 26

Quad: Lewiston Lakes, Wyoming 7.5'; Barras Springs, Wyoming 7.5'

Cultural resources found? No // Yes /X/, #'s: See Table 1

Table 1: Cultural Sites within the Upper Ellis Ranch Allotment

Site Number	Site Type	Eligibility	Concurrence by SHPO	Site of Native American Interest	Impacts Mitigated in Permit Stipulations
48FR230	Historic Site	Eligible	No	No	Yes
48FR736	Historic Linear Resource	Eligible	Yes	No	Yes
48FR1441	Historic site	Unevaluated	NA	No	Yes
48FR1455	Prehistoric Site	Not Eligible	No	No	No
48FR6120	Prehistoric Site	Unevaluated	NA	No	No
48FR6121	Prehistoric Site	Unevaluated	NA	Yes	Yes
48FR6240	Historic Site	Unevaluated	NA	No	No
48FR6559	Historic Site	Unevaluated	NA	No	No
48FR6561	Prehistoric Site	Unevaluated	NA	No	No
48FR6560	Multicomponent	Unevaluated	NA	No	No
48FR6562	Prehistoric Site	Unevaluated	NA	Yes	Yes

N.R. Eligible resources found? No / / Yes /X/, #'s: See Table 1

N.R. Eligible resources affected? No /X/ Yes / /, #'s: _____

SHPO Concurrence with above granted? Not necessary /X/ No / / Yes / /

Justification: Appendix B.26 of the State Protocol between the Bureau of Land Management State Director and the Wyoming State Historic Preservation Officer states: The following actions are, in most circumstances, exempt from case-by-case review: Appendix B.26: Renewal or transfer of grazing leases/permits and other permit administrative actions where types of animals do not change, numbers of animal unit months (AUMs) do not increase or season of use do not change.

Cultural clearance recommended? No / / Yes, with stipulations /X/

Recommended Stipulations:

1. **CULTURAL RESOURCES STIPULATION.** As a condition of this authorization, the holder of this grazing permit/lease shall comply with the regulations identified in 43 CFR 7 and 43 CFR 10 which are on file at the BLM office. These regulations provide for the protection of archaeological resources, historical resources, paleontological resources, human remains, funerary items, sacred objects, and objects of cultural patrimony.
2. **CULTURAL AND PALEONTOLOGICAL RESOURCES STIPULATION.** Any cultural and/or paleontological resource (historic, prehistoric, or fossil) discovered by the holder, or any person working on the holder's behalf on public or Federal land, shall be immediately reported to the authorized officer. The holder shall suspend all operations affecting the resource in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values.
3. **CULTURAL RESOURCES, SITE AVOIDANCE.** In order to reduce the potential for cattle bunching in areas where cultural resources are present, mineral licks and salt blocks are not to be placed in the following areas:

T29N R96W
Section 19 N1/2
Section 20 NESE

Violation of this stipulation may result in the holder being subject to the penalties and actions contained in the 43CFR7 Regulations, which are on file at all BLM offices.

4. **CULTURAL RESOURCES, SITE AVOIDANCE.** Due to the presence of significant linear cultural resources (National Historic Trails, Regional Historic Trails, etc.), livestock mineral supplements are not to be placed within 0.5 miles of roads throughout the following legal locations, unless evaluated by an authorized officer on a case-by-case basis:

T29N R96W

Section 17 S1/2

Section 18 S1/2SESE

Section 19 N1/2

T29N R97W

Section 23 S/12S1/2SE

Section 24 SW; S1/2NE

Section 25 NWNWNWNW

Section 26 N1/2N1/2

This stipulation is in accordance with the Lander Field Office 2004 Record of Decision Approved Resource Management Plan (RMP) Decision 5021. Violation of this stipulation may result in the holder being subject to the penalties and actions contained in the 43CFR7 Regulations, which are on file at all BLM offices.


Field Archeologist, Lander


Field Manager, Lander

UNITED STATES DEPARTMENT OF THE INTERIOR - BUREAU OF LAND MANAGEMENT
WILDLIFE CLEARANCE EVALUATION AND CONSULTATION FORM
LANDER FIELD OFFICE

To: Wildlife Biologist
From:
Subject: Request for Wildlife Clearance and Evaluation

Company Name and/or Project Name: JSR Limited Partnership

Legal Location: T29N R96W Sections 17, 18, 19, 20, and 30; T29N R97W Section 13, 23, 24, 25, and 26

Description of Proposed Action: The BLM proposes to issue one livestock grazing permit for the Upper Ellis Ranch grazing allotment. The allotment was determined not to be meeting the Standards for Healthy Rangeland, due to factors that do not include existing livestock grazing. The allotment is in greater sage-grouse priority habitat and in the National Trails Management Corridor.

Quad: Lewiston Lakes, Barras Springs

Response: Data Review and Determination of Impact on Wildlife Habitat and Threatened or Endangered Species
To: Initiating Officer

This memo will become an appendix to the Environmental Documentation for this project. This proposal and relative data have been analyzed as to the impact of the proposed action.

**Coordination with Wyoming Game and Fish Department (IS) (IS NOT) recommended. Coordination may be needed due to unusual or excessive negative effects on big game, sage-grouse, riparian areas, fisheries, other priority species or potentially controversial actions.

Threatened, Endangered, and Proposed Species Clearance Form

ENDANGERED, THREATENED, OR PROPOSED SPECIES	HABITAT DESCRIPTION	PROJECT EFFECT CALL	CONSULTATION REQUIRED	JUSTIFICATION FOR EFFECTS DETERMINATION
Canada lynx (Threatened)	Coniferous forests with abundant snowshoe hare populations.	NE	Yes <input checked="" type="radio"/> No	<input checked="" type="checkbox"/> No suitable habitat present
Black-footed ferret (Endangered)	Large prairie dog complexes <input type="checkbox"/> White-tailed Prairie Dog	NE	Yes <input checked="" type="radio"/> No	<input type="checkbox"/> Area not suitable for reintroduction efforts <input checked="" type="checkbox"/> No habitat present or action is within a block cleared area <input type="checkbox"/> Within prairie dog town; not block-cleared; survey required
Grizzly Bear (Threatened)	Extensive forest cover interspersed with grasslands and meadows.	NE	Yes <input checked="" type="radio"/> No	<input checked="" type="checkbox"/> No suitable habitat present
Blowout Penstemon (Endangered)	Sparsely vegetated, early successional shifting sand with crater-like blowout depressions created by wind erosion. 5800-7500 ft. elevation.	NE	Yes <input checked="" type="radio"/> No	<input checked="" type="checkbox"/> No suitable habitat present <input type="checkbox"/> Suitable habitat present; survey required or presence

				assumed
Ute ladies'-tresses (Threatened)	Moist, subirrigated or seasonally flooded soils in valley bottoms, gravel bars, old oxbows or floodplains bordering springs, lakes, rivers or perennial streams. 720-7000 ft. elevation.	NE	Yes <input checked="" type="radio"/> No	<input checked="" type="checkbox"/> No suitable habitat present <input type="checkbox"/> Suitable habitat present; survey required or presence assumed
Desert yellowhead (Threatened)	Grows in sparsely vegetated desert cushion plant communities with scattered on whitish sandstones and clays of the Miocene-age Split Rock Formation within shallow deflation hollows and low slopes at 6700-7100 feet.	NE	Yes <input checked="" type="radio"/> No	<input checked="" type="checkbox"/> No suitable habitat present <input type="checkbox"/> Suitable habitat present; survey required or presence assumed
Critical Habitat for the Desert yellowhead	Currently, only critical habitat in is the Cedar Rim area of southern Fremont County.	NE	Yes <input checked="" type="radio"/> No	<input checked="" type="checkbox"/> Not in critical habitat for Desert yellowhead.
Platte River Water Depletions (5 listed species and designated critical habitat)	Downstream riparian and riverine habitat of the Platte River System Whooping Crane – Endangered Interior Least Tern – Endangered Piping Plover – Threatened Pallid Sturgeon – Endangered Western Prairie Fringed Orchid –Threatened Critical Habitat for: Whooping Crane	NE	Yes <input checked="" type="radio"/> No	<input checked="" type="checkbox"/> Action will not deplete water from the Platte River System <input type="checkbox"/> Action will cause depletion to the Platte River system; consultation required <input type="checkbox"/> See comments for further restrictions and water source
Gray wolf (Non-essential, experimental population)	Habitats with abundant ungulate prey, secluded (i.e. forested) denning and rendezvous sites, and low levels of human activity.	NE	Yes <input checked="" type="radio"/> No	<input checked="" type="checkbox"/> No suitable habitat present. Project not in recovery area. No established populations in project area. <input type="checkbox"/> Project in suitable habitat; consultation required.

**Project effect determinations for T&E species are: no effect (NE); may affect (MA); not likely to adversely affect (NLAA); likely to adversely affect (LAA); Likely to jeopardize population (LJ); or not likely to jeopardize population (NLJ). Project effect determinations for candidate species are: will not contribute to the need to list (WNC); will contribute to the need to list (WC).

**Initiation of (FORMAL) (INFORMAL) consultation with U. S. Fish and Wildlife Service (IS) ☒ (IS NOT) necessary.


 Wildlife Biologist
 6/22/2016
Date

BLM Consultation Letter Sent	FWS Consultation Letter Reply	Wildlife Biologist Initial
Date:	Date:	

SEO Letter Sent	SEO Letter Reply	Wildlife Biologist Initial
Date:	Date:	

WILDLIFE / RESOURCE CONCERN	RMP Decision and COA	DESIGNATED OR SUITABLE HABITAT	COA STIPULATION APPLIES	COA TIMING RESTRICTION
Sage Grouse lek (Core Area)	Avoid disturbance or occupancy within 0.6 mile of perimeter of an occupied lek. No activity from 6PM to 8AM within a 0.6 mile of a lek	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	March 1 – May 15
Sage Grouse nesting /brood-rearing habitat (Core Area)	Surface disturbing and/or disruptive activities are prohibited or restricted in suitable sage-grouse nesting and early brood-rearing habitat.	<input checked="" type="radio"/> Yes No	<input checked="" type="radio"/> Yes No	March 15 – June 30
Sage Grouse Core	DDCT required: DDCT completed/date:	Yes <input checked="" type="radio"/> No Yes No	Date:	
Sage Grouse lek (non-Core Area)	Avoid disturbance or occupancy within 0.25 mile of perimeter of an occupied lek. No activity from 6PM to 8AM within a 0.25 mile of a lek	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	March 1 – May 15
Sage Grouse nesting /brood-rearing habitat (non-Core Area)	Surface disturbing and/or disruptive activities are prohibited or restricted in suitable sage-grouse nesting and early brood-rearing habitat within mapped habitat important for connectivity or within 2 miles of any occupied or undetermined lek.	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	March 15 – June 30
Sage Grouse winter habitat	Surface disturbing and/or disruptive activities are prohibited or restricted in mapped or modeled winter habitats/concentration areas that support Core Area populations.	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	Nov 15 – March 1
Raptors (General)	Avoid surface disturbance and/ or disruptive activity or occupancy within a 0.75 mile buffer of raptor nests except ferruginous hawk nests which have a 1 mile buffer.	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	Feb 1 – July 31 for all raptors except some BLM sensitive raptor species, Or until young have fledged.
Bald Eagle	Habitat- Lakes, rivers and other large water bodies suitable for foraging with large trees for nesting and roosting. Surface disturbance or disruptive activity prohibited within 1.0 mile of nest.	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	<input checked="" type="checkbox"/> No nest, roost, or feeding concentrations present. <input type="checkbox"/> Nest within 1 mile: Apply NSO Buffer <input type="checkbox"/> Roost within 1 mile: NSO and timing restrict. Nov 1 – Mar 31 <input type="checkbox"/> Nest buffer timing stipulation: Feb 1- Aug 15
Mountain Plover	Surface disturbing and/or disruptive activities are prohibited or restricted within ¼ mile of suitable Mountain Plover nesting habitat.	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	April 10 – July 10
Big game crucial winter range and Elk winter range	Delineated by WGFD/BLM	<input checked="" type="radio"/> Yes No	<input checked="" type="radio"/> Yes No	Nov 15 - April 30
Big Game parturition areas	Delineated by WGFD/BLM	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	May 1 - June 30
Riparian areas	Move Project > 500 feet from perennial streams/live water	<input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input checked="" type="radio"/> No	Riparian Areas

Date of Field Visit: _____

Photos Attached: YES or NO

Jim Vosburg 6/22/16
Wildlife Biologist (DATE)

COMMENTS:

BLM SENSITIVE SPECIES	HABITAT	POTENTIAL HABITAT	COA /TLS/ STIPULATION APPLIES	RMP Decision and COA
BIRDS OF PREY:				Avoid surface disturbance and/ or disruptive activity or occupancy within a 0.75 mile buffer of raptor nests except ferruginous hawk nests which have a 1 mile buffer.
Northern Goshawk	Conifer and deciduous forests	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	April 1 to August 31 for northern goshawks
Burrowing Owl	Grasslands, basin-prairie shrub	<input checked="" type="radio"/> Yes No	Yes <input checked="" type="radio"/> No	April 1 to September 15 for burrowing owls,
Ferruginous Hawk	Basin – prairie shrub, grassland, rock outcrops	<input checked="" type="radio"/> Yes No	Yes <input checked="" type="radio"/> No	Feb 1 – July 31 for ferruginous hawks and peregrine falcons.
Peregrine Falcon	Tall Cliffs	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	Or until young have fledged.
BATS:				Prohibit surface disturbing and disruptive activities within ¼ mile of identified maternity roosts and hibernation areas that would adversely impact bats.
Long-eared Myotis	Conifer and deciduous forest, caves and mines	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	Avoid habitat where possible and minimize disturbance
Spotted bat	Cliffs over perennial water, basin-prairie shrub	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	
Townsend's Big-eared bat	Forests, basin-prairie shrub, caves and mines	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	
PRAIRIE DOGS:				Avoid burrows and colonies where possible
White-tailed	Basin prairie shrub, grasslands	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	See comments for additional restrictions
GRASSLAND OBLIGATES:				Avoid habitat where possible and minimize disturbance
Swift fox	Grasslands	<input checked="" type="radio"/> Yes No	Yes <input checked="" type="radio"/> No	See comments for additional restrictions
Long-billed Curlew	Grasslands, plains, foothills, wet meadows	<input checked="" type="radio"/> Yes No	<input checked="" type="radio"/> Yes No	
SAGEBRUSH OBLIGATES:				Avoid habitat where possible and minimize disturbance
Sage Thrasher	Basin-prairie shrub, mountain foothill shrub	<input checked="" type="radio"/> Yes No	<input checked="" type="radio"/> Yes No	See Migratory Birds for additional restrictions
Loggerhead Shrike	Basin-prairie shrub, mountain foothill shrub	<input checked="" type="radio"/> Yes No	<input checked="" type="radio"/> Yes No	
Sage Sparrow	Basin prairie shrub, mountain foothill shrub	<input checked="" type="radio"/> Yes No	<input checked="" type="radio"/> Yes No	
Brewer's Sparrow	Basin-prairie shrub	<input checked="" type="radio"/> Yes No	<input checked="" type="radio"/> Yes No	
Pygmy rabbit	Basin-prairie and riparian shrub	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	Pygmy rabbit: surface disturbing activities prohibited within 200 ft of occupied habitat.
Migratory Birds				Surface disturbing and/or disruptive activities that have potential to cause destruction of nests, eggs or young of migratory birds will be prohibited during the period of May 1st to July 15th. A survey of the proposed disturbance area(s) may be conducted by the
	Grasslands	<input checked="" type="radio"/> Yes No	Yes No	
	Grasslands, plains, foothills, wet meadows	<input checked="" type="radio"/> Yes No	Yes No	
	Basin-prairie shrub, mountain foothill shrub	<input checked="" type="radio"/> Yes No	Yes No	
	Basin-prairie shrub			

	Conifer and deciduous forest	Yes No Yes <input checked="" type="radio"/> No	Yes No Yes <input checked="" type="radio"/> No	proponent to determine the presence/absence of nesting birds. Nest surveys must be conducted no more than 7 days prior to surface disturbing and/or disruptive activities.
RIPARIAN/WETLAND OBLIGATES:				<i>Riparian wetland habitat output</i>
Yellow-billed Cuckoo	Open woodlands, streamside willow and alder groves	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	Avoid habitat where possible and minimize disturbance See comments for migratory birds above.
White-faced Ibis	Marshes, wet meadows	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	
Trumpeter Swan	Lakes, ponds, rivers	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	
Northern Leopard frog	Beaver ponds, permanent water in plains and foothills	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	
Great Basin spadefoot	Spring seeps, permanent and temporary waters	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	
Boreal toad (Northern Rocky Mtn. population)	Pond margins, wet meadows, riparian areas.	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	
Spotted frog	Ponds, sloughs, small streams	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	
Yellowstone cutthroat trout	Yellowstone drainage, small mountain streams and large rivers	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	
PLANTS:				
Meadow Pussytoes	Moist, hummocky meadows, seeps or springs surrounded by sage/grasslands 4,950' – 7,900'	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	Avoid habitat where possible and minimize disturbance See comments for additional restrictions
Porter's Sagebrush	Sparsely vegetated badlands of ashy or tuffaceous mudstone and clay slopes Elevation: 5,300 – 6,500 feet	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	
Meadow Milkvetch	Moist, often alkaline meadows, esp. at fringes of playa landscapes, and swales in sagebrush valleys or closed drainage basins (4400-6620 ft).	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	
Dubois Milkvetch	Barren shale, badlands, limestone, and redbed slopes and ridges 6,900' – 8,800'	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	
Limber Pine	Timberline and at lower elevation with sagebrush. Associated species are Rocky Mountain lodgepole pine, Engelmann spruce, whitebark pine, Rocky Mountain Douglas-fir, subalpine fir, Rocky Mountain juniper, Mountain Mahogany, and common juniper.	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	
Cedar Rim Thistle	Barren, chalky hills, gravelly slopes and fine-textured, sandy/shaley draws 6,700' – 7,200'	Yes <input checked="" type="radio"/> No	Yes <input checked="" type="radio"/> No	
Many-stemmed spider-flower	Whitish, alkali-rich, strongly hydrogen-sulfide scented soils			

	bordering shallow, spring-fed playa lakes or dried lakebeds. Most abundant on damp, but not flooded, flats	Yes No	Yes <input checked="" type="radio"/> No	
Owl Creek Miner's	Sandy-gravelly slopes on sandstone of the Wind River Formation 4,700' – 6,000'	Yes No	Yes <input checked="" type="radio"/> No	
Fremont Bladderpod	Rocky limestone slopes and ridges 7,000' – 9,000'	Yes No	Yes <input checked="" type="radio"/> No	
Beaver Rim Phlox	Sparsely vegetated slopes on sandstone, siltstone, or limestone substrates 6,000' – 7,4000'	Yes No	Yes <input checked="" type="radio"/> No	
Rocky Mountain Twinpod	Sparsely vegetated, rocky slopes of limestone, sandstone or clay 5,600' – 8,300'	Yes No	Yes <input checked="" type="radio"/> No	Avoid habitat where possible and minimize disturbance
Persistent Sepal Yellowcress	Riverbanks and shorelines, usually on sandy soils near high water line.	Yes No	Yes <input checked="" type="radio"/> No	See comments for additional restrictions
Shoshonea	Shallow, stony calcareous soils of exposed limestone outcrops, ridgetops, and talus slopes 5,900' – 9,200'	Yes No	Yes <input checked="" type="radio"/> No	
Barneby's Clover	Ledges, crevices and seams on reddish-cream Nugget Sandstone outcrops 5,600' – 6,700'	Yes No	Yes <input checked="" type="radio"/> No	

COMMENTS: